

Montana Department of
ENVIRONMENTAL QUALITY

Steve Bullock, Governor
Tracy Stone-Manning, Director

P. O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • Website: www.deq.mt.gov

August 8, 2014

Mr. Shaun McGrath, Administrator
U.S. Environmental Protection Agency (EPA) Region VIII
1595 Wynkoop Street
Denver, CO 80202-1129

RECEIVED
U.S. EPA Region 8
RA's Office

Re: Montana's Submittal of Numeric Nutrient Standards for Surface Waters

AUG 15 2014

Dear Mr. McGrath;

On July 25, 2014, Department of Environmental Quality director Tracy Stone-Manning and the Montana Board of Environmental Review (BER) each approved new regulations for addressing nitrogen and phosphorus concentrations in surface waters. These new rules and rule amendments implement Montana statute at 75-5-313, MCA, and are collectively referred to as the "nutrient standards package" herein. The nutrient standards package provides (via the BER's rules) numeric nutrient criteria in almost all streams in Montana as well as specific segments of the Yellowstone River, new mixing-zone rules including a low-flow design flow specific to nutrient discharges, and modifications to the state's nondegradation policy. The Department's component of the nutrient standards package details a standards variance process which will allow for steady, gradual attainment of the criteria over time. The Department rules and the BER-approved rules were designed to work together and we are therefore submitting them to you together, for your review.

Accompanying this cover letter is a CD rom which contains the key components of the nutrient standards package. The CD rom is organized into folders whose contents are outlined below.

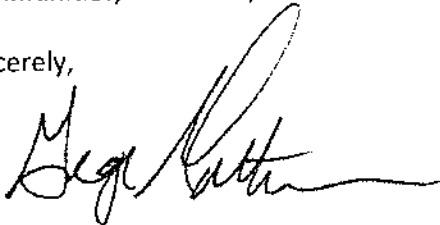
1. **Comments:** Public comments (written, most received electronically) received during the public comment period (February 13 to April 1, 2014) on the Department and the BER rulemakings.
2. **Hearings_testimony:** Written testimony provided at the Department rulemaking public hearing and the BER rulemaking public hearing, each of which were held on March 24, 2014.
3. **NutrientStandardsRulesandCirculars:** The primary component of our submission to EPA. Montana Administrative Rule (MAR) Notice 17-355, the Department's variance rules, are provided; you will find both the proposal and adoption notices. MAR notice 17-356 is the BER's numeric nutrient standards and amendments (again, included are both the proposal and adoption notices). Two new Department circulars referenced in the rules are also included: Circular DEQ-12A, which contains the numeric nutrient standards, and Circular DEQ-12B, which addresses implementation of variances from the numeric nutrient standards.

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4. **OtherPublicNotice:** The Department's cover letter to all persons on our interested parties list regarding the rulemaking. This was mailed in advance of the public hearings.
5. **SigninSheets:** Copies of the sign-in sheets from the two rulemaking public hearings.
6. **TechnicalSupportDocsForTheNutrientStandards:** This folder contains all of the technical and scientific documents which support the numeric nutrient standards, the new low-flow design flow, and methods used to assess ambient surface waters for compliance with the numeric nutrient standards.
7. **Transcripts:** Oral transcripts recorded at each of the public hearings as well as the transcript for the BER meeting on 7/25/2014 at which time the numeric nutrient standards were adopted.

Also enclosed is a letter certifying that the nutrient standards package was duly adopted pursuant to state law. As you are aware, the Department has worked long on these standards and their implementation; they would not have been completed without a great deal of input from affected communities, industries, environmental interests, and EPA. We look forward to your review.

Sincerely,

A handwritten signature in black ink, appearing to read "George Mathieus", with a long horizontal flourish extending to the right.

George Mathieus, Division Administrator
Planning, Prevention, and Assistance Division
Montana Department of Environmental Quality

Cc: Tina Laidlaw, EPA
Tracy Stone-Manning, DEQ
Mike Suplee, DEQ
John North, DEQ
Julie Dalsoglio, EPA

Encl: CD rom, certification letter